IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 734 of 2006

Km. Paramjeet Kaur
D/o Subeg Singh
R/o Village Tapera near Mandi Nanak Matta
P.S. Nanakmatta, District Udham Singh Nagar
.....Applicant

Versus

1. State of Uttaranchal
   through Secretary in the Department of Home affairs
   Civil Secretorate, Dehradun.
2. Station House Officer
   Kotwali – Nanakmatta
   District Udham Singh Nagar.
3. Station House Officer, Kotwali-Khateema
   District Udham Singh Nagar.
4. Judicial Magistrate, Khateema
   Udham Singh Nagar & others.....Respondents.

Hon'ble Prafulla C. Pant, J

Heard Shri T.A. Khan with Ms. Farida Siddiqui, Advocates for the applicant and learned A.G.A. for the State.

By means of this petition, moved under Section 482 of Code of Criminal Procedure 1973, the petitioner has sought a direction from this Court that her statement be recorded under Section 164 of the Code. It appears that crime No. 1545 of 2006 was registered against the accused persons with regard to the offences punishable under Section 363, 376, 323, 504, 506 I.P.C. The allegations made in the First Information Report are of the serious nature. It appears that the petitioner had made request to the Magistrate concerned, including the Chief Judicial Magistrate that her

statement be recorded under Section 164 of Cr.P.C. by some magistrate so that the police may fairly investigate the crime. A copy of said application made to the Chief Judicial Magistrate is at Annexure-4 to the petition.

After going through the report, this Court is of the view that the prayer made by the petitioner is just and proper. Accordingly, this petition under Section 482 of Cr.P.C. is disposed of summarily with the direction that the Chief Judicial Magistrate, Udham Singh Nagar would pass necessary orders for getting recorded the statement of the petitioner under Section 164 of Cr.P.C. in the aforesaid crime.

Dt. 08.09.2006 **(Prafulla C. Pant, J.)**

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